

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **July 13, 2004**

AGENDA ITEM NO.: 15

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Conditional Use Permit (CUP) – Lynchburg Church of the Nazarene, 1737, 1745, 1747 Wards Ferry Road.

RECOMMENDATION: Approval of the requested CUP

SUMMARY: The Lynchburg Church of the Nazarene is petitioning for a Conditional Use Permit at 1037, 1045, and 1047 Wards Ferry Road to add a multiminity building and additional parking in an R-3, Two-Family Residential District. The Planning Division (PD) recommended approval of the CUP because:

- Petition agrees with the *Comprehensive Plan*, which recommends Medium Density Residential land uses for this area.
- Petition agrees with the Zoning Ordinance in that places of worship are allowed by Conditional User Permit approved by the City Council in an R-3, Two-Family Residential district.
- Petition proposes the use of the property as a church, with the addition of a multiminity building and additional parking.

Section 35.1-15(f) of the Zoning Ordinance states: "In approving a conditional use permit City Council may impose any conditions which it deems necessary or appropriate."

PRIOR ACTION(S):

May 26, 2004: Planning Division recommended approval of the CUP

Planning Commission recommended approval (5-0 with 2 members absent) of the CUP with the following conditions:

1. The property will be developed in substantial compliance with the Phase I Site Plan prepared by The McKnight Group, dated May 25, 2004.
2. Any buildings or other facilities not shown on the approved site plan will require application for another Conditional Use Permit (CUP) at the time the applicant wishes to construct them.
3. The building will meet all building code requirements as determined by the Inspections Division.
4. A subdivision plat will be submitted and approved vacating all interior lot lines.
5. The applicant will satisfy all stormwater-related requirements of Chapter 16.2 of the Lynchburg City Code. In addition, City staff recommend the use of structural inlet filters to offset quality requirements for hydrocarbons.
6. The applicant will submit a landscaping plan for the site that shows all newly landscaped areas, including foundation plantings and vegetative buffers, that is acceptable to the City's Urban Forester and City Planner.
7. The applicant will provide a left turn lane at the main entrance to the facility.
8. All exterior lighting will be nondirectional and glare-shielded to prevent illumination across the property line onto adjacent properties.
9. The applicant shall provide curb and gutter to City of Lynchburg standards, from the west side of the existing entrance (to be closed) beyond the proposed new entrance to the beginning of the taper for the road widening for the left turn lane.

FISCAL IMPACT: N/A

CONTACT(S):

Rachel Flynn/ 455-3902

Tom Martin/ 455-3909

ATTACHMENT(S):

- Resolution
- PC Report
- PC Minutes

- Site Plan
- Narrative

REVIEWED BY: lkp

RESOLUTION

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO THE LYNCHBURG CHURCH OF THE NAZARENE FOR USE OF THE PROPERTY AT 1737, 1745, 1747 WARDS FERRY ROAD TO ADD AN ADDITIONAL BUILDING AND ADDITIONAL PARKING, SUBJECT TO CERTAIN CONDITIONS.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG That the petition of the Lynchburg Church of the Nazarene for use of the property at 1737, 1745, 1747 Wards Ferry Road to build a multi-ministry building and additional parking be, and the same is hereby, approved, subject to the following conditions:

1. The property will be developed in substantial compliance with the Phase I Site Plan prepared by The McKnight Group, dated March 29, 2004, and revised May 25, 2004.
2. Any buildings or other facilities not shown on the approved site plan will require application for another Conditional Use Permit (CUP) at the time the applicant wishes to construct them.
3. The building will meet all building code requirements as determined by the Inspections Division.
4. A subdivision plat will be submitted and approved vacating all interior lot lines.
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Adopted:

Certified:

Clerk of Council

092L

The Department of Community Planning & Development
City Hall, Lynchburg, VA 24504434-455-3900

To: Planning Commission
From: Planning Division
Date: May 26, 2004
Re: **CONDITIONAL USE PERMIT (CUP): Lynchburg Church of the Nazarene, 1737-1745-1747 Wards Ferry Road**

I. PETITIONER

Lynchburg Church of the Nazarene, 1737 Wards Ferry Road, Lynchburg, VA 24502.

Representative: Matthew D. Davis, McKnight Group, 3351 McDowell Road, Grove City, Ohio 43123.

II. LOCATION

The subject property is a tract of about 30.7 acres located at 1737-1745-1747 Wards Ferry Road.

Property Owners: Stephen G. Willis, Senior Pastor, 1737 Wards Ferry Road, Lynchburg, VA 24502

III. PURPOSE

The purpose of this petition is to allow construction of a new multi-ministry building and additional parking.

IV. SUMMARY

- Petition agrees with the Comprehensive Plan which recommends Medium Density Residential and Institutional land uses for this area.
- Petition agrees with the Zoning Ordinance in that places of worship are allowed by Conditional Use Permit approved by the City Council in an R-2, Single-Family Residential District, and an R-3, Two-Family Residential District.
- Petition proposes the use of the property as a church, with the addition of a multi-ministry building and additional parking.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends Medium Density Residential and Institutional land uses for this area, which includes places of worship.
2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-3, Two-Family Residential, and R-2, Single-Family Residential, zoning was established in 1978 with the adoption of the current *Zoning Ordinance*. Churches and other places of worship are allowed in R-3 and R-2 districts by Conditional Use Permit approved by the City Council.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the proposed church or additional parking.
4. **Surrounding Area.** There have been six items requiring City Council approval in the immediate area:
 - 4/8/86: City Council approved a conditional rezoning from R-3 to R-4(C) to allow the addition of 12 townhouses for rent in the College Park Apartments at 1711 Wards Ferry Road.
 - 8/11/88: City Council approved a CUP for construction of a Masonic Lodge and parking area at 1730 Wards Ferry Road.
 - 2/14/89: City Council approved a CUP for construction of 108 townhouse units at 110 and 130 Aaron Place.
 - 1/14/92: City Council approved a conditional rezoning for the parcel to the west of the subject property and a second petition for a conditional rezoning for the parcel to the south of the subject property. These two parcels are owned by the petitioner.
 - 10/28/03: City Council approved a CUP for construction of townhomes for sale at 2002-2004 Wards Ferry Road.

5. **Site Description.** The subject property is bounded to the north by single-family residences and vacant property (across Wards Ferry Road), to the west and south by vacant property now owned by the church, and to the east by single-family residences and vacant property.
 6. **Proposed Use of Property.** The purpose of the CUP is to allow construction of a new “multi-ministry” building and additional parking for the church, as shown in the Phase I Site Plan. This is the first phase of a multi-phase master plan that will ultimately include other uses. The applicant has not determined what additional facilities will be constructed, so this CUP petition covers only the uses shown in the Phase I Site Plan.
 7. **Traffic and Parking.** The City Traffic Engineer expressed several concerns regarding the subject petition, including elimination of the southernmost entrance/exit due to inadequate sight distances, providing a new entrance further to the south, and providing a left turn lane for the new entrance. These issues have been or will be addressed by the applicant. A left turn lane is included as a condition.
 8. **Storm Water Management.** New impervious areas will exceed 1,000 square feet; as such, a stormwater management plan will be required. Proposed stormwater management for the site will be accomplished through the use of an extended detention facility.

Stormwater quality will be addressed using the aforementioned extended detention facility. In addition, City staff recommends the use of structural inlet filters to offset quality requirements for hydrocarbons.
 9. **Impact.** The church’s new multi-ministry building will be visible from Wards Ferry Road. Renderings submitted with the application show an attractive building that will improve the appearance of the site. The church’s facilities are located far enough from neighboring residences to the east and west that there should be little impact on the neighbors. Only those residences directly across Wards Ferry Road will be able to see activities at the church. The church has worked with the City Traffic Engineer to ensure that the additional traffic to and from the church does not cause problems for the neighborhood. Traffic may become more of an issue when the applicant constructs subsequent phases. It should be noted that some of the increased traffic in the neighborhood at this time is due to traffic going to and from the Wards Crossing retail center at the other end of Wards Ferry Road.
 10. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on April 20, 2004. Comments on stormwater management, traffic, and landscaping/buffering have been or will be addressed by the developer prior to final site plan approval.
 11. **Conditions.** According to Section 35.1-15 (f) of the Zoning Ordinance, the Planning Commission or City Council may impose any conditions deemed necessary or appropriate in approving a CUP.
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VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to the City Council approval of the petition of Lynchburg Church of the Nazarene for a conditional use permit at 1737, 1745, 1747 Wards Ferry Road for the use as a church with a multi-ministry building and additional parking on property zoned R-3, Two-Family Residential, subject to the following conditions:

1. **The property will be developed in substantial compliance with the Phase I Site Plan prepared by The McKnight Group, dated March 29, 2004, and revised May 25, 2004.**
2. **Any buildings or other facilities not shown on the approved site plan will require application for another Conditional Use Permit (CUP) at the time the applicant wishes to construct them.**
3. **The building will meet all building code requirements as determined by the Inspections Division.**
4. **A subdivision plat will be submitted and approved vacating all interior lot lines.**
5. **The applicant will satisfy all stormwater-related requirements of Chapter 16.2 of the Lynchburg City Code. In addition, City staff recommends the use of structural inlet filters to offset quality requirements for hydrocarbons.**

6. **The applicant will submit a landscaping plan for the site that shows all newly landscaped areas, including foundation plantings and vegetative buffers, that is acceptable to the City's Urban Forester and City Planner.**
7. **The applicant will provide a left turn lane at the main entrance to the facility.**
8. **All exterior lighting will be nondirectional and glare-shielded to prevent illumination across the property line onto adjacent properties.**

This matter is respectfully offered for your consideration.

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Rachel O. Flynn, Director of Community Planning & Development
Mr. Bruce A. McNabb, Director of Public Works
Mr. R. Douglas Dejarnette, Fire Marshal
Ms. Judith C. Wiegand, AICP, Senior Planner
Mr. J. Lee Newland, Director of Engineering
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Arthur L. Tolley, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Mr. Kent White, Environmental Planner
Mr. Matt Davis, Petitioner/Representative

VII. ATTACHMENTS

1. **Vicinity Zoning Pattern**
(see attached map)
2. **Vicinity Proposed Land Use**
(see attached map)
3. **Site Plan**
(see attached site plans)
4. **Narrative**
(see attached narrative)

Petition of the Lynchburg Church of the Nazarene for a Conditional Use Permit at 1737, 1745 & 1747 Wards Ferry Road to obtain approval for a master development plan that would allow the construction of a sanctuary, school, assisted living facility, church related residences and recreation fields in an R-2, Single-Family Residential District (Conditional), R-3, Two-Family Residential District (Conditional) and an R-3, Two-Family Residential District.

Mr. Martin told the Commission that the petition proposed to construct a multi-purpose ministry building for use as a worship center, Sunday school rooms and could also be used as a sports center. He said parking requirements would be based on the total seating capacity for worship service. He added that a total of 204 spaces would be required and the site plan showed 210 spaces. He said the Future Land Use Map showed the area being used for medium-density residential use for the property, and churches were permitted in these areas. Mr. Martin explained that the property consisted of more than 30 acres, so there was plenty of room to address stormwater, which would be handled by using an extended detention facility on the property. He said the primary concern of the project was related to traffic. He said the City's Traffic Engineer suggested closing the existing entrance due to sight distance problems and relocating it to the northwestern portion of the property. He added that a left turn lane with curb and gutter was also recommended along Wards Ferry Road. Mr. Martin said as a result of the Traffic Engineer's concerns, the Planning Division was recommending an additional Condition requiring that curb and gutter be installed to City standards from the entrances proposed to be closed to just beyond the new entrance. He said the Planning Division did recommend approval of the CUP.

Mr. Matt Davis, McKnight Group, Ohio, represented the Church in this request. Mr. Davis distributed revised drawings developed from comments from the TRC meeting, which included stormwater management and buffering of the property. He said the buffer would be along the neighboring property, plus foundation plantings around the new facility... He explained that the plan outlined the first phase of what the Church was planning on building, which was a multi-use facility. He said they would add the necessary parking, would vacate the existing entrance, relocate that entrance further to the north, and then create a new main entrance with a turn lane, which was requested by the City Traffic Engineer. He noted that would be vacating lot lines, as the Church owned several properties and wanted to combine all of those parcels into one parcel.

Pastor Joe Kilgore introduced himself as the project manager for the construction. Pastor Kilgore added to Mr. Davis' comments that the necessity for expanding was due to the rapid growth in the last couple of years, almost tripling the size of the Church's membership.

Mr. Mike Baer, 424 College Drive, spoke in opposition to the petition. He said in 1992 a site plan for 56 single family homes, requesting R-3 zoning was changed to R-2 C and 41 homes. He said realizing that the property needed to be developed the neighborhood asked for underground utilities, street lights, curb and gutters, and a 75 foot buffer long the property. He said the developer worked closely with the neighbors and gave them the Conditions, which they agreed to. He said unfortunately that development never materialized and the property was sold to the Church of the Nazarene. He said he spoke with the Pastor and he stated that they purchased the property to keep from being landlocked, and they hoped to build a larger church someday with playgrounds. He said when the Church purchased the property it was zoned R-1. He said half of the property where the multi-use building was sited was zoned R-2(C). He said up to now they have had no discussion with the Church regarding their plans. Mr. Baer said when the City developed the Land Use Map in 2002 they called for that area to be zoned R-2 (C) because they did not look back at the zoning in 1992. He said what probably concerned the neighborhood was the long-term proposal.

Mr. Martin addressed the Planning Commission saying that the plan they were currently seeing at this meeting was what the Church originally submitted as their Master Plan. He said the Planning Division had numerous concerns and questions relating to the plan, but the Church was not ready to address those questions at this time. However, the Church chose to proceed with Phase I only, which included the multi-purpose building. He said the layout of the site as it was now did not meet development standards for the ball fields, and concluded by explaining that the multi-purpose building was the only request before them at this meeting.

Chair Dahlgren explained to Mr. Baer that any future projects the Church wanted to build would have to come back through the process for approval.

Mr. Baer said he wanted the Commission to be aware that the multi-purpose building would probably turn into a much larger project. He said he had questions regarding lighting on the parking lot.

Chair Dahlgren said the lighting in the parking lot would all be glare shielded.

Commissioner Worthington asked Mr. Baer what his discomfort was with this expansion project. He said he was struggling to understand if there was one specific thing bothering him or if it was just that the Church was growing.

Mr. Baer said he had no problems with the Master Plan they had before them today. He said on the site plan he received a week ago it showed a two-story assisted living complex.

Chair Dahlgren asked the Pastor of the church if they had changes in the future would they be willing to meet with the neighbors.

Pastor Steven Willis, Senior Pastor of the Church said they wanted to give a 30-year vision for the future. He added that if they ever wanted to build the senior living center they would definitely be willing to meet with the neighbors.

Mr. Kenneth Bush, 422 College Park Drive, spoke in opposition to the petition. Mr. Bush said he was concerned with the major development on Wards Road and the fact that Wards Ferry Road was being used as a cut through to get to the shopping center. He said there would be increased traffic not only on Sunday, but at all times with the addition of a multi-purpose center. Mr. Bush asked if the Church would consider purchasing property somewhere else in the City.

Pastor Willis said the Church felt they were an asset to Wards Ferry Road and liked the location they were in. He said traffic would no doubt be heavier on Sunday. However, he added, if they sold the property to a developer, there would be even more traffic coming in and out of the site at all times of the day every day of the week. He said they were excited about the growth of the Church, reaching out to the community, and added that they wanted to be a good neighbor. Pastor Willis said he would be willing to talk to any of the neighbors who wanted to meet with him. He concluded by saying that the Church was putting together a packet that everyone in the neighborhood would be receiving soon.

Chair Dahlgren explained that if in the future the Church determined that they wanted to make changes to their plan they would have to come back before the Planning Commission. At that time, he added, if the Traffic Engineer determined that something needed to be done about the traffic, the Church would have to adhere to the City's request.

Commissioner Worthington asked if all of the traffic concerns had been addressed.

Mr. Martin confirmed that all traffic concerns had been addressed.

Chair Dahlgren asked about the "Detention" pond hand written on the site plan. He said another drawing showed a "Retention" pond and asked if there would be both on site.

Mr. Davis said they may put a retention pond in the site in the future. He said in Phase I the stormwater would be controlled by a detention pond.

Mr. Kent White, Environmental Planner for the City, noted that he had been concerned because the petitioner had not submitted volume calculations, so he suggested that they install an extended detention pond if the volume allowed. He said a retention pond would be a better option.

After discussion, Commissioner Pulliam made the following motion, which was seconded by Commissioner Hamilton and passed by the following motion:

“That the Planning Commission recommends to the City Council approval of the petition of Lynchburg Church of the Nazarene for a conditional use permit at 1737, 1745, 1747 Wards Ferry Road for the use as a church with a multi-ministry building and additional parking on property zoned R-3, Two-Family Residential, subject to the following conditions:

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AYES:	Bacon, Dahlgren, Hamilton, Pulliam, Worthington	5
NOES:		0
ABSTENTIONS:		0